

Serial No. 10/670,427 7
Docket No. FJ-2003-014-US
MAS.016

REMARKS

Applicants concurrently file herewith a Petition for Extension of Time and corresponding extension of time fee for a one-month extension of time.

Claims 1-16, 18 and 19 are all of the claims presently pending in the application. Applicants have canceled claim 17 without prejudice or disclaimer, the subject matter of which Applicants have incorporated into independent claim 1. Applicants has amended claim 1 to define the claimed invention more particularly and have amended dependent claim 19 into independent form.

Applicants believe that entry of the claim amendments is proper since the claim amendments do not raise new issues, which would require further consideration and/or search.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 3-6, 8-16 are allowed, and that claim 19 would be allowable if rewritten in independent form. Accordingly, Applicants have amended allowable claim 19 into independent form. Applicants respectfully submit, however, that all of claims 1-16, 18 and 19 are allowable.

Claims 1, 2, 7, 17, and 18 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 2, 7, 17, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Oie (U.S. Patent No. 6,188,431).

Applicants respectfully traverse these rejections in the following discussion.

Serial No. 10/670,427 8
Docket No. FJ-2003-014-US
MAS.016

I. THE CLAIMED INVENTION

The invention as recited in independent claim 1 for example, is directed to an image communication apparatus capable of communicating with a plurality of image communication apparatuses in a server-client system, including an image display device which displays a recorded image, a selection device which selects an image to be transmitted to another image communication apparatus from among images displayed on the image display device, and a transmission device capable of transmitting to one or more of the plurality of image communication apparatuses the image selected by the selection device when a request to send the image is received from a respective one of the one or more of the plurality of image communication apparatuses, wherein when the plurality of images are transmitted to the plurality of image communication apparatuses of a receiving side, an image different in every image communication apparatus of the receiving side is transmittable to the plurality of image communication apparatuses in accordance with the request of the image communication apparatus of the receiving side, wherein the image communication apparatus communicates with the plurality of image communication apparatuses through a server (e.g., see Application at page 2, lines 7-14).

This structure is important because the image transmitting apparatus may transmit a selected image upon receipt of an image transmission request from another image communication apparatus so that the user of the other image communication apparatus can receive the image without requiring confirmation of the user's destination address (see Application at page 2, line 15-page 3, line 30).

In a conventional digital camera, as described in the Background of the present

Serial No. 10/670,427 9
Docket No. FJ-2003-014-US
MAS.016

Application, a transmitter camera is required to determine if a receiver camera requested an image, set the destination address of the receiver camera and then perform a transmission operation (Application at page 1, lines 15-29).

In contrast, an exemplary aspect of the claimed invention may allow an image to transmit from a transmitting apparatus to a receiving apparatus without the transmitting apparatus determining if the receiving apparatus requested the image and setting the destination address (Application at page 11, lines 23-94).

II. THE INDEFINITESS REJECTION

The Examiner has rejected claims 1, 2, 7, 17, and 18 under 35 U.S.C. §112 as allegedly being indefinite. Specifically, the Examiner alleges the phrase "a plurality of images" lacks antecedent basis.

Applicants have amended claim 1 to provide proper antecedent basis for each feature recited in the claims.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

III. THE PRIOR ART REFERENCES

The Examiner alleges that Oie teaches the claimed invention of claims 1, 2, 7, 17, and 18. Applicants submit, however, that Oie does not teach or suggest each feature of the claimed invention.

That is, Oie does not teach or suggest, "*wherein the image communication apparatus communicates with said plurality of image communication apparatuses through a server*", as

Serial No. 10/670,427 10
Docket No. FJ-2003-014-US
MAS.016

recited in exemplary claim 1.

In rejecting claim 17, the subject matter of which Applicants have incorporated into independent claim 1, the Examiner alleges, "Oie discloses that the image communication apparatus communicates with said plurality of image communication apparatuses through a server (i.e., "slave" camera 1b accepts communications in order to service image requests by sending back image data; see figure 6)." (See Office Action dated August 14, 2008 at page 4). The Examiner's allegation, however, is incorrect.

That is, while the slave camera 1b communicates with a master device in order to service image requests, the slave camera 1b merely communicates with a single master camera 1a, not a plurality of image communication apparatuses.

Furthermore, the slave camera 1b does not communicate with the master camera 1a through a server. Indeed, the slave camera 1b communicates with the master camera 1a through a cable 69 (e.g., see Oie at Figure 3).

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Oie. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-16, 18, and 19, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance,

Serial No. 10/670,427 11
Docket No. FJ-2003-014-US
MAS.016

Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: December 15, 2008



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2622, at (571) 273-8300, on December 15, 2008.

Respectfully Submitted,

Date: December 15, 2008



Scott M. Tulino, Esq.
Reg. No. 48,317

Sean M. McGinn, Esq.
Reg. No. 34,386